

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6927

BILL NUMBER: SB 267

NOTE PREPARED: Feb 24, 2005

BILL AMENDED: Feb 10, 2005

SUBJECT: Agricultural Nuisance Actions.

FIRST AUTHOR: Sen. Jackman

FIRST SPONSOR: Rep. Gutwein

BILL STATUS: As Passed - Senate

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill specifies that certain changes to an agriculture operation are not a nuisance.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: Specifying that certain changes to an agriculture operation are not a nuisance could reduce or forestall civil actions. The filing fee for civil actions is \$100. Of this fee, 70%, or \$70, is deposited in the state General Fund if the case is filed in a trial court. If a case is filed in a city or town court (providing that the court has jurisdiction), the state General Fund receives 55% of the \$100 filing fee. The anticipated changes in revenue are likely to be small.

There were 28,346 civil plenary cases filed in 2003 in courts of record statewide. Civil plenary cases are defined as those founded in contract, actions dealing with real and personal property, as well as actions seeking equitable or injunctive relief.

Explanation of Local Expenditures: This bill could have an administrative impact on the caseloads of local courts if fewer civil actions are filed. However, the impact is likely to be small.

Explanation of Local Revenues: If a case is filed in a trial court, the county general fund receives 27%, or \$27, of the \$100 filing fee. The 3%, or \$3, is deposited in the general fund of the cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county,

or municipal court located in the county. If the case is filed in a city or town court (providing the court has jurisdiction), the county general fund receives 20% while the city or town general fund receives 25%. The anticipated changes in revenue are likely to be small.

State Agencies Affected:

Local Agencies Affected: Local civil courts.

Information Sources: *2003 Indiana Judicial Report*, Vol. I, p.71.

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